

Remarks

Point 1 of Action: The Action indicates that no amended drawings were found with the preliminary Amendment filed July 7, 2003. However, Applicants note that amended drawings were filed, as indicated in the stamped return postcard, a copy of which is attached hereto. As a convenience to the Examiner, attached hereto is another copy of the amended drawings.

Points 2 and 3: The Action indicated that the first sentence of the specification should include the filing date of the prior application and its current status. The specification has been amended herewith to include that information.

Points 4 and 5: The Action alleges that claims 39-41 are indefinite in that the term "the articulation element" lacks antecedent basis because no such articulation element was disclosed in its preceding claim. Claim 32 has been amended to recite the articulation element, thereby providing antecedent basis.

The Action also alleges that re: claim 54, the phrase "each wheel element" lacks antecedent basis because it is unclear whether application is trying to claim each set of wheel elements has a defined radius or if applicant is trying to claim that different elements within each wheel element set have a defined radius, which was not defined in its preceding claim. Claim 54 has been amended to delete the term "each wheel element . . . has a defined radius such that", thereby eliminating the antecedent basis issue.

Points 6 and 7: Claims 32, 39-41, 43, 48 and 50-56 are rejected under 35 USC 102(b) as being allegedly anticipated by Brown et al '839. The Action alleges that Brown shows a wheeled structure having all the elements of the referenced claims.

Brown '839 discloses a drive (or driven) wheel arrangement for a wheel chair that is said to enable the wheel chair to climb or descend stairs or similar obstacles. FIG. 1 of Brown shows a "skid 66" that is said to "preserve the horizontal balance of chair 11 during ascending or descending", col. 3, ll. 23 *et seq.* Skid 66 is mounted on an elongated arm 67 pivoted by means of brackets 69 about the axis of shaft 21. The arm 67 is connected to an extensible link 71, which can take the form of a hydraulic piston/cylinder assembly 72/73. (*Id.*)

Brown further states that the lower end of arm 67 is preferably telescopically arranged for extension and contraction, so that when the vehicle is not being used to climb or descend stairs, the arm "may be retracted under the chair", col. 3, ll. 43 *et seq.*

However, Brown does not teach or suggest the subject matter of claim 43, which by the present amendment has now been incorporated into amended claim 32 (with claim 43 itself being cancelled herewith), wherein each first and second set of wheel elements is arrayed "with a

selected degree of rocker of the wheel elements coupled to the body”, to enable the wheeled structure to turn-in-place. As stated at page 9 of the specification of the present application for patent: “In one aspect of the invention, a selected degree of rocker is provided, such that the point of contact of the centermost wheel element on each side of the body can be lower than the respective point of contact of the end wheel elements. This facilitates the wheeled platform spinning or turning-in-place, thereby increasing agility. It will be understood by one of skill in the art that while in one embodiment, rocker of the wheel arrangement permits only one or two wheel-element pairs to contact a ground plane, in an alternate embodiment, the point of contact can be coplanar for all the wheels, depending on the weighting of the platform.”

Neither the text nor the drawings of Brown contains any indication of such a configuration or even that such a configuration was contemplated. Accordingly, Brown does not anticipate or render obvious the claimed subject matter.

Similarly, Brown does not teach or suggest the subject matter of the claims dependent from amended claim 32. Of particular note is the configuration defined by claim 56, in which, in combination with the features of amended claim 32 from which claim 56 depends, an intermediate wheel element is always in contact with the ground plane, and the first and second end wheel elements are selectively in contact with the ground plane. This further combination of features is neither taught nor suggested by Brown.

Points 8, 9 and 10: Claims 45-47 are rejected under 35 USC 103(a) as being allegedly unpatentable over Brown et al in view of Wilhelm '076. The Action alleges that it would have been obvious, to one of ordinary skill in the art at the time the invention was made, to have modified the wheel elements of Brown's wheeled structure with alternative wheel elements having studded or scalloped raised wheel elements, “with a special profile on the tread of the wheel element that protrudes over the rest of the profile.” Claims 45-47 have been cancelled herewith, along with claim 48.

Points 11 and 12: The other references cited in the Action are not considered to affect the patentability of the referenced claims as amended.

#### Conclusions:

Analysis of the cited art in comparison with the amended claims indicates that the claimed combination of elements is neither taught nor suggested by the art of record, taken separately or in combination. The present amendment further distinguishes over the prior art of record and attends to matters of form noted in the Action. No new matter has been added, and

support for the claims, as amended, is found in the specification and drawings as filed. The Examiner is respectfully requested to allow the claims and pass the application through to issuance. Should questions arise, the Examiner is respectfully invited to contact the undersigned.

Respectfully submitted,



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Enc.:

- Copy of stamped return postcard indicating enclosure of drawings;
- Copy of drawings enclosed with preliminary amendment filed July 7, 2003.

